

REMARKS

Claim 1 has been amended to more particularly point out and distinctly claim the present invention. Minor typing errors have been corrected in claims 4, 9, and 12. Claims 18-20 have been cancelled. Claims 21-23 have been added. Claims 1-17 and 21-23 remain for consideration in this application.

Previously claims 1-20 were rejected on the basis of provisional obviousness-type double patenting over claims 1 and 4-20 of copending Application No. 10/544,127. With the amendments to claim 1 in this case, the rejection is considered moot. Claims 1 and 12 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 12-15 of copending Application No. 10/563,895. Similarly, the amendments to claim 1 would appear to moot this rejection.

Previously claims 1-20 were rejected as being anticipated by Lambertz 6,286,151. Applicant submits that each of the claims remaining in this application patentably distinguishes over Lambertz. Claim 1 recites that the sock has a foot portion and a shaft portion. The foot portion has a toe area, a heel area and a tread area between the toe area and the heel area. As clearly seen in the drawing, the tread area is on the bottom of the sock. There is a climate channel (25) extending from the shaft portion to the tread area and at least one climate channel in the tread area (13) communicating with the climate channel (25) for removing moisture from the tread area when the sock is worn for athletic activities. In contrast, the Lambertz patent teaches a sock with an air channel (3) proceeding from the sole of the foot. There is no teaching of a climate channel in the tread area of the sock which communicates with a climate channel that

extends from the shaft portion to the tread area of the sock.

Dependent claims specify the climate channels in the tread area with more specificity. For example, claim 3 recites that the climate channels (26) have a curved shape in the tread area. Claim 5 sets forth that the climate channels (26) are partially tapered (261). This feature is not taught in Lambertz. As another example, claim 21 sets forth that there are a plurality of climate channels (26) in the tread area connected to one another through a central channel (262) arranged along the longitudinal central axis of the tread area, the climate channels branching off from the central channel. Lambertz fails to suggest this feature. The specific sock of this invention is not taught or suggested in Lambertz. Claims 1-17 and 21-23 patentably define over Lambertz and should be allowed.

The undersigned counsel has been informed that patents based upon applications corresponding to the present application have been granted in Australia (AU 2004206701B2) and China (ZL200480002550). The corresponding European Patent Office Application has recognized novelty in the subject matter and has indicated its intention to grant a patent. While it is recognized that different standards may be applicable to patentability in different jurisdictions, two patents have been granted and a third is about to be granted. These actions by three separate patent offices lend credence to applicant's arguments that the present invention is both novel and patentable.

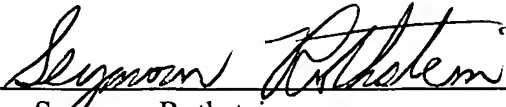
Applicant requests that he be given an opportunity to interview the Examiner in connection with this application before an Office Action is issued, in the event that this amendment does not place the application in condition for allowance.

Favorable reconsideration and allowance of the present application are solicited.

Respectfully submitted,

Date: December 22, 2008


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CERTIFICATE OF MAILING

I hereby certify that this Amendment and Petition Under 37 CFR §1.136(a) and §1.17 for 1 month extension is being deposited with the United States Postal Service via Express Mail Label No. EM 125706110 US in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 Box , on December 22, 2008.


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